

Notice of a Public Meeting of the Joint Standards Committee

- To:** Councillors Runciman (Chair), Barton, Horton and Taylor (City of York Councillors)
Councillors Martin (Vice-Chair), Crawford and Simpson (Parish Council Members)
Mr Hall (Independent Person) and Mr Laverick (Independent Person)
- Date:** Wednesday, 11 September 2013
- Time:** 3.00 pm
- Venue:** The Thornton Room - Ground Floor, West Offices (G039)

AGENDA

1. Declarations of Interest

At this point, Members are asked to declare:

- Any personal interests not included on the Register of Interests
- Any prejudicial interests or
- Any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. Minutes

(Pages 3 - 8)

To approve and sign the minutes of the meeting of the Joint Standards Committee held on 26 June 2013.

3. Public Participation

At this point in the meeting, members of the public who have registered their wish to speak, regarding an item on the agenda or an issue within the remit of the Joint Standards Committee, may do so. The deadline for registering is **5:00 pm on Tuesday 10 September 2013.**

- 4. Review of Complaints for Municipal Year** (Pages 9 - 12)
This report provides an overview of the standards complaints received during the previous municipal year and reminds Members of the processes they have agreed for handling complaints.
- 5. Planning Code of Practice** (Pages 13 - 28)
This report provides an update in respect of the production of a local planning code of good practice.
- 6. Update on Parish Council Protocol on Parish Councillors/Employee Relations**
A verbal update will be given on a Parish Council Protocol on Parish Councillors/Employee Relations.
- 7. Review of Work Plan** (Pages 29 - 30)
Members are asked to review the Committee's work plan.
- 8. Urgent Business**
Any other business which the Chair decides is urgent under the Local Government Act 1972.

Democratic Services Officer responsible for this meeting:

Name: Jayne Carr

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For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

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Scrutiny Committees

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

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City of York Council

Committee Minutes

Meeting	Joint Standards Committee
Date	26 June 2013
Present	Councillor Runciman (Chair) (CYC Member) Councillor Barton (CYC Member) Councillor Horton (CYC Member) Councillor Taylor (CYC Member) Councillor Martin (Vice-Chair) (Parish Councillor) Councillor Simpson (Parish Councillor)
In attendance	Mr Dixon (Interim Independent Person)
Apologies	Councillor Crawford (Parish Councillor) Mrs Bainton (Interim Independent Person) Mr Hall (Interim Independent Person) Mr Laverick (Independent Person)

PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS**1. APPOINTMENT OF CHAIR**

RESOLVED: That Councillor Runciman be appointed Chair of the Joint Standards Committee.

2. APPOINTMENT OF VICE-CHAIR

RESOLVED: That Councillor Martin be appointed as Vice-Chair of the Joint Standards Committee.

3. DECLARATIONS OF INTEREST

Members were asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they may have in respect of the business on the agenda. None were declared.

4. MINUTES

RESOLVED: That the minutes of the Joint Standards Committee meeting held on 17 April 2013 be confirmed and signed by the Chair as a correct record.

Referring to the issue raised under Public Participation (minute 33), clarification was sought as to whether further consideration had been given to the suggestion that the complaints procedure should include provision for a complainant to appeal against a decision of the Monitoring Officer and Independent Persons. It was noted that this issue had been considered by the Committee at their meeting of 20 February 2013 (minute 26 refers). A report would be presented at the next meeting to clarify the situation.¹

Action Required

1. Include on work plan

JC

5. PUBLIC PARTICIPATION

It was reported that there were no registrations to speak under the Council's Public Participation Scheme.

6. UPDATE ON THE RECRUITMENT OF AN INDEPENDENT PERSON

[see also Part B minute]

The Monitoring Officer gave a verbal update on the appointment of an Independent Person. There had been four applicants for the position and three of the candidates had been interviewed the previous day. It was the Selection Panel's recommendation that Mr Nicholas Hall be appointed.

It was noted that the Interim Independent Persons would complete their term of office on 30 June 2013. Tribute was paid to work that Mrs Bainton, Mr Dixon and Mr Hall had carried out and the contribution that they had made.

RESOLVED: (i) That it be recommended to Council that Mr Nicholas Hall be appointed as an Independent Person.

- (ii) That thanks be recorded to Mrs Bainton, Mr Dixon and Mr Hall for the outstanding service they had given as Independent Persons¹.

REASON: To ensure that the Council has appropriate arrangements in place for handling complaints about Members.

Action Required

1. Send letters of thanks

JC

7. UPDATE ON PLANNING CODE OF CONDUCT

The Monitoring Officer gave a verbal update on the Planning Code of Conduct.

As agreed at the Joint Standards Committee meeting on 20 February 2013, consultation on the Planning Code of Conduct had taken place with planning officers and with the Chair of the Planning Committee. The intention had been that the code would then be considered by the Planning Committee. However, the Local Government Association had recently issued a publication "Probity in Planning for Councillors and Officers" and the Monitoring Officer stated that he would consider whether any amendments were required to the Code in the light of the recent guidance and report back to the Joint Standards Committee accordingly.

It was suggested that consideration should be given to ensuring that a similar code was also available to parish councils particularly in view of the increasing responsibility they may take in respect of neighbourhood plans.

- RESOLVED:
- (i) That the update on the situation in respect of the Planning Code of Conduct be noted.
 - (ii) That, at the next meeting, the Monitoring Officer report on any changes necessary to the Code in the light of the LGA guidance¹.

REASON: To support high standards of probity in

decision-making in respect of planning issues.

Action Required

1. Include on work plan

JC

8. TRIENNIAL REVIEW OF THE COMMITTEE ON STANDARDS IN PUBLIC LIFE

Members considered a report that advised them of the outcome of a recent review of the Committee on Standards in Public Life (CSPL).

Members were asked to consider any implications for the future work plan of the Joint Standards Committee.

It was noted that, as the Nolan Committee, the CSPL had established the Principles of Standards in Public Life which underpinned the previous statutory Code of Conduct for Members and which still underpinned the present Code. Members noted that the principles had been updated slightly and requested that copies of the revised principles be circulated to them¹.

RESOLVED: That the report be noted.

REASON: To ensure that the Committee continues to make an effective contribution to ethical standards within the City Council.

Action Required

1. Circulate to Committee Members

AD

9. MONITORING REPORT IN RESPECT OF COMPLAINTS RECEIVED

The Monitoring Officer gave a verbal report in respect of complaints received.

One new complaint had been received. This related to a parish council issue and was to be investigated by the Monitoring Officer.

It was agreed that, at the next meeting, a report on complaints received during the previous municipal year would be presented¹.

RESOLVED: That the update on complaints received be noted.

REASON: To ensure that the Committee is kept updated on complaints received.

Action Required

1. Include on work plan

JC

10. REVIEW OF WORK PLAN

Consideration was given to the Committee's work plan.

RESOLVED: That the Committee's work plan be approved subject to the following additions:

- Report on the initial handling of complaints by the Monitoring Officer and Independent Persons – meeting of 11 September 2013
- Update on Planning Code of Conduct (in respect of City and Parish Councils) – meeting of 11 September 2013
- Report on complaints received during previous municipal year – meeting of 11 September 2013

REASON: To ensure that the Committee has a planned programme of work in place.

Referring to the agenda item on Review of Parish Council Protocol on Parish Councillors/Employee relations that was scheduled for the meeting on 11 September 2013, Councillor Simpson reported that he had not been contacted by the Parish Councils Liaison Board regarding his attendance at the meeting at which this was to be considered.

PART B - MATTERS REFERRED TO COUNCIL

11. RECRUITMENT OF INDEPENDENT PERSON

[see also Part A minute]

The Monitoring Officer gave a verbal update on the appointment of an Independent Person. There had been four applicants for the position and three of the candidates had been interviewed the previous day. It was the Selection Panel's recommendation that Mr Nicholas Hall be appointed.

RECOMMENDED: That Mr Nicholas Hall be appointed as an Independent Person.

REASON: To ensure that the Council has appropriate arrangements in place for handling complaints about Members.

Councillor Runciman, Chair

[The meeting started at 3.00 pm and finished at 3.40 pm].



Joint Standards Committee

11th September 2013

Report of the Monitoring Officer

Review of Complaints for Municipal Year

Summary

1. This report provides an overview of the standards complaints received during the previous municipal year and reminds Members of the processes they have agreed for handling complaints.

Complaints received

2. The table below describes the complaints handled during the last municipal year.

City or Parish Councillor	Complainant	Date Received	Outcome	Date Concluded	Complainant's view
City	Councillor	21/05/2012	Local settlement agreed with complainant in respect of acknowledged breach.	18/8/2012	Agreed outcome
City	Former Councillor	19/07/2012	Not referred for investigation. Conduct complained of would probably have been protected as political free speech. Informal procedural steps taken to mitigate complainant's	07/08/2012	Considered outcome resolved the issue

			concerns.		
City	Councillors	20/07/2012	Referred to sub committee. Possible minor breach identified. Informal advice as to conduct given	06/08/2012	Not recorded
City	Member of public	10/08/2012	No breach identified. No action required	16/08/2012	Not recorded
City	Former Councillor	03/09/2012	No action on this complex, multi faceted complaint. One prima facie breach had already been addressed by an apology. Other aspects not considered to require an investigation.	21/09/2012	Agreed apology dealt with the prima facie breach. Disagreed with response on other matters.
City	Councillor	26/11/2012	Referred for investigation. No breach found.	18/03/2012	Outcome accepted
City	Member of public	21/02//2013	No action	11/06/2013	Dissatisfied

3. Seven complaints were received and all were in respect of City Councillors. By way of comparison four complaints were received during the preceding year (although two of these involved multiple Councillors) and, of these, one related to a member of a Parish Council. In the 2010/11 municipal year eight complaints were received, five relating to Parish Councillors and one of which was referred for investigation. The volume of complaints was therefore very much in line with previous years although the fact that they all related to City Councillors is unusual.

4. On the 1st July 2012 the new standards regime came into force. One complaint commenced under the old procedures was resolved under the new arrangements. In that case it was possible to resolve the matter to the complainant's satisfaction through informal action. This would not have been possible under the old arrangements which would have either resulted in no action or an investigation and a hearing. Although that case took the second longest of the six to resolve, it was still concluded far sooner than would have been the case had there been an investigation and hearing.
5. In general the cases have reached a conclusion somewhat earlier under the new arrangements than the old. This is because the new arrangements allow the Monitoring Officer to make a decision on cases having consulted the independent persons. This consultation is carried out by e-mail. Under the old arrangements it would have been necessary to convene a formal sub Committee meeting.

Issues arising

6. Two complainants have expressed dissatisfaction with the response to their complaints. In the first case part of the response was accepted but some aspects were not. One of the aspects which was not accepted related to the registration of gifts and hospitality. The Committee subsequently adopted guidance on this matter which is consistent with the approach taken by the Monitoring Officer and independent persons in this case.
7. In the second case the complainant was dissatisfied both with the outcome (which had the support of the three independent persons who considered it) and the absence of a right to have the decision reviewed.
8. The Standards Committee made a deliberate decision not to include a review mechanism in the procedures post Localism Act. The Committee's experience under the previous arrangements was that a significant percentage of cases resulted in reviews even where the original decision could not properly be challenged. The Committee built in a safeguard into the new arrangements by requiring the independent persons to be consulted on each complaint. The independent persons have the option to ask the Monitoring Officer to refer a complaint to a sub committee for determination and he equally has the option to make such a referral on his own initiative. That happened on one occasion last year. The independent persons have also been granted speaking rights at

meetings of the Committee so have an opportunity to raise any concerns that they have. No concerns have been expressed by the independent persons about the decisions taken.

Recommendations

9. Members are recommended to:

- 1) Note the report and to confirm the previous decision to dispense with a review mechanism.

Reason: To ensure that the Committee continues to make an effective contribution to ethical standards within the City Council.

Contact Details

Author:

Andrew Docherty
Monitoring Officer

CBSS

Tel No. 01904 551004

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Report
Approved

Date 05/08/13

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers:

None



Joint Standards Committee

11th September 2013

Report of the Monitoring Officer

Planning Code of Practice

Summary

1. This report provides an update in respect of the production of a local planning code of good practice.

Background

2. At the February meeting Members approved a local planning code of practice for consultation. The intention was that the code would replace the code which presently sits within the City Council's Constitution. That document requires an update in light of the abolition of the former standards regime and developments in the law of predetermination and bias since it was originally approved.
3. Following the meeting in February consultation took place with relevant Officers and the then Chair of the Planning Committee. The only change of significance suggested was the addition of a section on planning enforcement. It was suggested that the draft code be placed on the agenda of a Planning Committee meeting early in the new Municipal Year.
4. In the meantime the Local Government Association issued a revised version of their guide: "Probity in planning". The 2009 version of that guidance had underpinned the Council's original local code. The opportunity has therefore been taken to compare the Council's draft code against the new guidance. The draft code was already very much in line with the new guidance but a small number of additions are suggested and have been incorporated in an updated draft of the code annexed to this report. Key changes suggested are as follows:

- Specific reference to the fact that simply being a Member of an outside body will not automatically amount to a prejudicial interest
 - The adoption of language used in the Guidance for when site visits may be requested – when there is a “clear and substantial benefit” in doing so
 - A change in emphasis around Councillors conducting their own site visits. The previous draft gave guidance on what to do in an exceptional case where (with permission) a Councillor entered on private land. The revised draft simply discourages this practice.
 - The adoption of language from the guidance regarding Members’ responsibility to explain reasons in full when departing from an Officer recommendation.
 - The inclusion of guidance against messages being passed between Members of the Planning Committee
5. In at least one respect the Council’s existing code goes further than the new guidance. The code says that Member should not act as the lead spokesman for a group supporting or opposing a development. This advice is not contained in the guidance. Instead the guidance suggests that whenever a councillor, whether or not a committee member, speaks on behalf of a lobby group they should withdraw from the meeting after the public speaking session. It is suggested that this will counter any suggestion that Members have been influenced by their continuing presence. Members may wish to consider whether to replicate this advice.

Applicability of the Code to Parish Councils

6. The code contains some advice which is only of relevance to City Councillors. For example references to political groups do not currently apply to any of the City’s Parish Councils and references to call in powers only apply to City Councillors. However, the general good practice guidance is just as applicable to Parish Councillors when acting as consultees on planning applications. It ensures that the process leaves no grounds for suggesting that those participating in decisions were biased or that a decision was irrational or improper.

Recommendations

7. Members are recommended to:

- 1) Determine whether the advice referred to in paragraph 5 of this report be incorporated in the draft code of good practice
- 2) Approve and recommend that the City Council adopt the code
- 3) Ask the Monitoring Officer to ensure that Planning Committee Members are made aware of the requirements of the code

Reason: To ensure that planning decisions are made openly, impartially and for justifiable reasons.

Contact Details

Author:

Andrew Docherty

Monitoring Officer

CBSS

Tel No. 01904 551004

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**Report
Approved**

Date 09/08/13

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers:

None

Annex

Draft Planning Code of Good Practice

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PLANNING - CODE OF GOOD PRACTICE

1. Reasons for Guidance

- 1.1 One of the key purposes of the planning system is to balance private interests in the development and use of land against the wider public interest. Planning necessarily affects land and property interests and as such is often highly contentious. It is important therefore that planning decisions are made openly, impartially, with sound judgement and for justifiable reasons. The aim of this Code of Good Practice is to promote public confidence in the planning decision making process.
- 1.2 If you do not abide by this Code of Good Practice, you may put:
- the Council at risk of proceedings on the legality or maladministration of the related decision; and
 - yourself at risk of being the subject of a standards complaint

2. When does this code apply?

- 2.1 This Code of Good Practice applies to Members at all times when they are involved in the planning process. This includes both Planning Committee meetings, any meetings of the full Council when exercising the functions of the Planning Authority, and less formal occasions, such as meetings with Officers or the public and consultative meetings. It applies to planning enforcement matters or site specific policy issues as well as to planning applications.
- 2.2 This Code of Practice supplements the Council's Code of Conduct for Members, and gives detailed advice on dealing with planning issues.
- 2.3 If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer or Deputy Monitoring Officer, and preferably well before any meeting takes place.

Do apply the rules in the Members' Code of Conduct first.

Do then apply the rules in this Planning Code of Good Practice, which seek to explain and supplement the Members' Code of Conduct for the purposes of planning control.

Do seek early advice if in doubt

3. Dealing with Interests under the Members' Code

- 3.1 Members must always declare personal, prejudicial and disclosable pecuniary interests in accordance with the Members' Code of Conduct.
- 3.2 A personal interest arises where the business affects you, somebody with whom you have a close association, one of the outside bodies referred to in the second schedule of the Code of Conduct or someone from whom you have received a gift or hospitality valued at £50 or more. You must declare these interests unless they appear on your register of interests.
- 3.3 A prejudicial interest arises where your personal interest is so significant that it would be likely to prejudice your judgement of the public interest. You should not participate in the debate or vote where you have such an interest and, if the interest arises in a decision making meeting, you should leave the room. Simply being a member of an outside body will not automatically amount to a prejudicial interest but you need to think about whether your involvement is more significant than that and consider taking specific advice.
- 3.4 A disclosable pecuniary interest arises where the business relates to one of the interests prescribed by law and referred to in the first schedule of the Code of Conduct. It is a criminal offence to participate in a Council meeting if you have such an interest and have not been granted a dispensation.

Do disclose the existence and nature of your interest at any relevant meeting, including informal meetings or discussions with Officers and other Members. Disclose your interest at the commencement of discussion on that particular matter.

Where your interest is a prejudicial or disclosable pecuniary interest and you have not obtained a dispensation:-

Don't participate, or give the appearance of trying to participate, in the making of any decision on the matter by the Planning Authority.

Don't get involved in the processing of the application*.

Don't use your position to discuss the proposal with Officers or Members when other members of the public would not have the same opportunity to do so

- * A Councillor who has a prejudicial or disclosable pecuniary interest in a matter is permitted to seek to persuade Planning Officers of the merit of the application in the same way as a member of the public but should be careful to avoid creating an impression of placing pressure on an Officer for a particular recommendation. See also paragraph 3.3 for advice on speaking at meetings in these circumstances.

4. Keeping an open mind

- 4.1 Members must not make up their minds before they have all relevant material and arguments before them at the Planning Committee meeting. The use of a political whip is not permitted for decisions on planning applications.
- 4.2 Members are entitled to feel predisposed towards a particular decision, but must still be able to consider and weigh relevant factors before reaching the final decision. Pre-determination arises when Members' minds are closed (or reasonably perceived to be closed) to the consideration and weighing of the relevant factors. That risks making the whole decision vulnerable to legal challenge. It also risks a public perception being created of unfairness in the planning process.
- 4.3 The Localism Act 2011 has built on clarification of the law provided by the Courts in a number of cases and Members can take some comfort that they are entitled to express views on planning matters prior to a decision being made without being challenged on grounds of predetermination. Nevertheless it remains the case that Members must not have closed their mind to possible alternative decisions and must be prepared to consider representations made and the advice of Officers and listen to the debate before reaching a final view.

Don't make up your mind, or appear to have made up your mind, on how you will vote on any planning matter until you have heard the Officer's presentation and all the evidence and arguments at the Planning Committee when the matter will be considered.

4.4 A member of the Planning Committee who is also a Parish Councillor may already have been consulted on a planning application at a Parish Council meeting. It is permissible to express a view at a Parish Council meeting on a matter and still participate at the Planning Committee so long as you have not closed your mind to reaching a different view. It is good practice in these cases to:

- make it clear during the discussion at the consultee body that your views are expressed on the limited information before you only; and
- you will reserve judgement and the independence to make up your own mind when it comes before the Planning Committee and you hear all of the relevant information; and
- you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Planning Committee; and
- you disclose the personal interest regarding your membership of the Parish Council when the Planning Committee comes to consider the proposal

4.5 If you have already made up your mind you must not speak or vote on the business but you are not legally required to withdraw from the meeting (unless you also have a prejudicial or disclosable pecuniary interest). However, you may prefer to do so for the sake of appearances. If you decide to stay in the meeting you should explain that you do not intend to speak and vote because you have (or you could reasonably be perceived as having) judged the matter elsewhere, so that this may be recorded in the minutes.

4.6 Cabinet Members may have been involved in promoting a particular development in their role as Cabinet Members for the Service. If a Cabinet Member also sits on Planning Committee it may be difficult for him or her to demonstrate objectivity in dealing with an application relating to that development. In those cases the best course of action would be for the Cabinet Member to withdraw from the debate and vote.

5 Contact with Applicants, Developers and Objectors

5.1 Members should discourage applicants or agents from approaching them in any way, should minimise social contacts with known developers and agents and should refrain altogether from

such contacts when developments are contemplated or a planning application has been received.

- 5.2 Members should refrain from involving themselves in discussions with developers or potential applicants at the pre-application stage of proposals unless such discussions are part of structured and recorded arrangements with Officers.
- 5.3. If an approach is received from an applicant/agent in relation to a particular planning application or a matter that may give rise to a planning application, the Member should:
- Refer the applicant or agent to the relevant Officers of the Council, and notify Officers of the approach.
 - Avoid giving any commitment or impression of a commitment or that they hold any particular view about the development or the future of the site in question.
 - Confine themselves to providing information on the Council's general planning policies or procedures only, where the Member is fully aware of these.
 - If they do express an opinion they should make it clear that they will only be in a position to take a final decision after having heard all the relevant evidence and arguments at committee.
- 5.4 When any Member speaks at a meeting of the Committee on the subject of a particular planning application, they should disclose the fact that they have been in contact with the applicant/agent, if this is the case. Members are able to articulate their own views on proposals, but should not speak on behalf of the applicant or the agent who will have their own opportunity to speak to Committee.
- 5.5 Any written information received by a Member of the relevant Committee from the applicant or agent, objectors or any other third party, should be passed or copied immediately to the relevant Planning Officer and declared at the start of the consideration of the particular application.

Do seek to minimise social contacts with known developers particularly when the developer is known to be contemplating development in the City

Do refer an applicant, developer or objector who approaches you about a planning application to Officers, if they need planning, procedural or technical advice.

6 Contact with neighbours, objectors, supporters, third parties or fellow Councillors

- 6.1 In order for the planning system to work effectively public concerns must be adequately aired. It is an important part of a Member's role to listen to residents' views and put these views forward within the Council. However, it is important that Members make decisions based on the full facts having considered all representations made and all other relevant considerations. Members will usually need a report from Officers to help them to do this.
- 6.2 Members should be wary of giving the impression that they have made up their mind about a particular matter. Discretion is always advisable. A good approach is to say something like: "From what I know at the moment I support (or have reservations about) this application, but I won't make a final decision until I have all the facts before me at Planning Committee".
- 6.3 Members should advise anyone lobbying them that the Committee can only effectively consider representations if they are made in writing to the Assistant Director for City Development and Sustainability. Members can also advise objectors of the rights they have for speaking at meetings. If there are technical issues or alternatives to be considered, then Members should either ask the applicant/objector to raise these matters with Officers or ask Officers to consider such matters when reporting to Committee.
- 6.4 Members should not accept gifts or hospitality of any value from anyone who is lobbying them. You should inform the Monitoring Officer if you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality).
- 6.5 Members should not take part in negotiations with applicants or potential applicants regarding their proposals for development except where such negotiations are part of a structured arrangement with Officers.

If you are lobbied

Do explain that you are not in position to express a firm intention to vote one way or the other

Do explain how representations can be made formally

Don't accept any gifts or hospitality

7 Lobbying by Members

- 7.1 Members are quite entitled to join general interest groups which may have an interest in planning matters such as the Civic Society or the Victorian Society. If a group to which you belong has adopted a view on a particular matter then you need to declare a personal interest when the matter is discussed.
- 7.2 There may be circumstances where a political group has a policy commitment to a particular development. It may have been contained within the party's manifesto. This alone does not prevent a Member participating in decision making so long as you have not closed your mind to considering the planning arguments.
- 7.3 You should not, however, act as the lead spokesman for a group supporting or opposed to a particular development.

8. Site Visits

- 8.1 Site visits can play an important role in ensuring that Members make decisions on a sound understanding of the relevant issues. However care must be taken to ensure that site visits are not misused as a lobbying device to help ensure a particular outcome in respect of controversial applications or to defer consideration of an application to a subsequent meeting. Site visits should only be requested where there is a clear and substantial benefit in having one.
- 8.2 You will have the opportunity to ask questions of Officers, the applicant and objectors at the site visit but you should avoid expressing opinions at this stage.
- 8.3 In addition it is important for Officers and Members to hear all the discussion and visit all parts of the site as a single group so as to ensure that any information which you gained from the site visit can be reported back to the Committee, and that all Members have the same information.
- 8.4 While visiting sites Members must not accept any form of gift, hospitality or refreshment.

- 8.5 Members should not normally accept invitations to visit a site unless this is in the company of a planning officer. This does not prevent you from going alone to view a site from public land.
- 8.6 Councillors have no rights to enter on private land. A Councillor might be invited to enter the site by the owner. It is not good practice to do so as this can lead to a perception that the councillor is no longer impartial. If you feel that you need an explanation of the proposal then you should request a formal site visit by contacting the Case Officer at least 10 days before the Committee meeting.

Don't request a site visit unless you feel it is strictly necessary

Do ensure that you treat the site visit only as an opportunity to seek information and to observe the site.

Do ask the Officers at the site visit questions or seek clarification from them on factual matters which are relevant to the site inspection.

Don't express opinions or views on the proposal to anyone.

Don't enter a site which is subject to a planning application unless you can comply with the good practice rules in this Code

9. Presentations to Members

- 9.1 It may be that on larger, more complex, or design sensitive applications, it would be appropriate for a prior presentation to be made to the relevant Committee.
- 9.2 If so, such presentations will not be held less than two weeks in advance of the meeting. This is to allow Members due time for reflection on the proposal, and to allow any questions and issues to be followed up by Officers and covered in the agenda report to Members at the subsequent Committee.
- 9.3 The role of Members at such presentations is to listen to the presentation, and to raise questions on the details presented. It is

important that Members do not promote or oppose the application at this stage, since not all the relevant information may be before them.

10. Decision Making

- 10.1 The Council's Constitution specifies that certain applications must be brought before the Committee and others may be determined by Officers. Members can request that a particular application should be brought to Committee rather than being determined by Officers under delegated powers.
- 10.2 You should ensure that you only request that an application be brought to Committee in accordance with Constitutional requirements, and for proper planning reasons which are reported to the Committee.
- 10.3 In making decisions on planning applications, the law requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. Adequate reasons must be given for any decision. It is particularly important to ensure that these are fully articulated and recorded where a decision is made contrary to an Officer recommendation or contrary to established policy. Where a decision is made contrary to policy it is Members responsibility to explain their reasons in full. Pressure should never be put on officers to "go away and sort out the planning reasons".
- 10.4 You must come to a decision after proper consideration of all the information reasonably required. You should not participate in a vote if you have not been present for the full presentation and debate. You should not attempt to answer e-mail, monitor or contribute to social media discussions or engage in any other activity which may distract you from giving the proceedings your full attention.
- 10.5 You should ensure that you have had sufficient time to digest any new material which has been presented. You may need to ask for an adjournment to do so. Occasionally it may be necessary to defer an item to allow for proper consideration or for additional information to be obtained.

- 10.6 Messages should not be passed to individual committee members either from other member or members of the public. This could create an impression that a Member is being improperly influenced.

Do come to meetings with an open mind and demonstrate that you are open-minded.

Do make decisions in accordance with the Development Plan unless material considerations indicate otherwise

Do come to your decision only after due consideration of all of the information reasonably required.

Do make sure that if you are proposing, seconding or supporting a decision that you clearly identify the planning reasons leading to this conclusion and can identify the supporting evidence

11. Officers

- 11.1 Members must not put improper pressure on any Officer to put forward a particular recommendation and should not do anything which compromises or is likely to compromise his or her professional integrity and impartiality. Doing so may be a breach of the Code of Conduct.

- 11.2 Planning Officers must act within officer and professional codes of conduct. The Royal Town Planning Institute requires its members to fearlessly and impartially exercise their independent professional judgment to the best of their skill and understanding. Accordingly there may be occasions where Officers make recommendations which may be contrary to the views and wishes of Members.

Do not apply improper pressure on Officers to make a particular recommendation

Do respect the professional obligations of planning Officers.

12. Members as developers or applicants

- 12.1 If you have an interest in land that may be the subject of redesignation or other decision in the Development Plan process, or if you, or someone with whom they have a close association is making a planning application to the Council, then you should discuss this at the earliest opportunity with the Assistant Director for City Development and Sustainability . The planning application should contain a declaration (in the form of a covering letter) of the Member's position in relation to the planning application, so that all those consulted are aware of the relationship. The Assistant Director for City Development and Sustainability will oversee the consideration of the application with the case officer, including any discussions that may involve other Members.
- 12.2 Any applications by a Member will be reported to the Planning Committee or the Planning Area Sub-Committee as appropriate and will not be dealt with by an officer under delegated powers. The Member's interest should be made clear at the Committee.
- 12.3 If your planning application comes before the Planning Committee you will have a disclosable pecuniary interest in relation to the application. This must be declared and means that you may not participate in the discussion or vote on the application. Government guidance suggests that the prohibition on discussing the item would prevent you making representations to the Committee as an ordinary member of the public. While some lawyers have questioned this guidance there is a degree of uncertainty and the safest option would be for you to either seek a dispensation allowing you to make representations or ask someone else to make those representations on your behalf.

13. Enforcement cases

- 13.1 Planning enforcement is particularly sensitive since it can ultimately result in Court proceedings. Members are encouraged to report breaches of planning control to Officers or to support their constituents in doing so. They may seek updates on progress which is being made to resolve matters but should avoid playing too pro-active a role such as by involving themselves in meetings between enforcement officers and developers.

14. Member Training

- 14.1 In order to ensure that Members are fully aware of the requirements placed on them when sitting on Planning Committees it is the policy of the Council to require Members to attend prescribed before sitting as a Member or Substitute Member.

2013/2014 Work Plan for Joint Standards Committee

<u>Meeting Date</u>	<u>Items</u>	<u>Notes</u>
26 June 2013 at 3.00pm	<ul style="list-style-type: none"> • <i>Appointment of Chair for municipal year</i> • <i>Appointment of Vice-Chair for municipal year</i> • <i>Monitoring report in respect of complaints received</i> • <i>Update on Planning Code of Practice</i> • <i>Update on the recruitment of independent person</i> • <i>Committee on Standards in Public Life Triennial Review</i> 	<p><i>Standard item</i></p> <p><i>As agreed at meeting of 20 February 2013 (minute 29)</i></p> <p><i>As agreed at meeting of 20 February 2013 (minute 30)</i></p>
11 September 2013 at 3.00pm	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received (to include summary report re complaints for last municipal year) • Summary of the arrangements in place for the initial handling of complaints by Monitoring Officer and Independent Persons • Update on Planning Code of Conduct (in respect of City and Parish Councils) • Review of Parish Council Protocol on Parish Councillors/Employee Relations 	<p>Standard item</p> <p>As agreed at meeting of 26 June (minute 4)</p> <p>As agreed at meeting of 26 June (minute 7)</p> <p>As agreed at meeting of 17 April 2013 (minute 36)</p>

13 November 2013 at 3.00pm	<ul style="list-style-type: none"> Monitoring report in respect of complaints received 	Standard item
19 February 2014 at 3.00pm	<ul style="list-style-type: none"> Monitoring report in respect of complaints received 	Standard item
16 April 2014 at 3.00pm	<ul style="list-style-type: none"> Monitoring report in respect of complaints received Parish Council Representatives to be invited to meet with the Committee 	Standard item As agreed at meeting of 17 April 2013 (minute 38)
June/July 2014	<ul style="list-style-type: none"> Appointment of Chair for municipal year Appointment of Vice-Chair for municipal year Monitoring report in respect of complaints received Review of the arrangements for handling complaints. 	Standard item As agreed at meeting of 28 November 2012 (minute 19)

To be included:

- Promoting ethical standards (as agreed at meeting of 20 February 2013 – minute 25)*
- Review of the Code of Conduct (as agreed at meeting of 20 February 2013 – minute 28)*
- Guidance on hospitality (as agreed at meeting of 20 February 2013 – minute 28)*
- Review of Code of Conduct (as agreed at meeting of 20 February 2013 – minute 28)*